

## **REMARKS**

Claims 1, 3-17, 19-34 and 36-43 are pending. Reconsideration is respectfully requested in light of the following remarks.

### **Double Patenting Rejection:**

The Examiner provisionally rejected claims 1, 3-17, 19-34 and 36-43 under the judiciary created doctrine of obviousness-type double patenting as being unpatentable over claims 1-24 of copending Application No. 09/693,673. However, according to M.P.E.P. 804.I.B: "If the 'provisional' double patenting rejection in one application is the only rejection remaining in that application, the Examiner should then withdraw that rejection and permit the application to issue as a patent, thereby converting the 'provisional' double patenting rejection in other application(s) into a double patenting rejection at the time the one application issues as a patent." Thus, since the provisional double patenting rejection is the only rejection remaining in the present application, the Examiner must withdraw the provisional double patenting rejection and allow the present application to issue as a patent. If the Examiner still believes such a rejection appropriate, he should make the rejection in the 09/693,673 application.

### CONCLUSION

Applicants submit the application is in condition for allowance, and notice to that effect is respectfully requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above referenced application from becoming abandoned, Applicants hereby petition for such extension. If any fee is due, the Commissioner is authorized to charge said fee to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5181-63300/RCK.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☐ Petition for Extension of Time
- ☐ Notice of Change of Address
- ☐ Fee Authorization Form authorizing a deposit account debit in the amount of \$  
for fees (      ).

Respectfully submitted,



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